

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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ESTATE OF MICHAEL EDWARD BELL, by  
Special Administrator Michael Martin Bell,  
KIM MARIE BELL,  
MICHAEL MARTIN BELL, and  
SHANTAE BELL,

Plaintiffs,

vs.

Case No. 05-C-1176

OFFICER ERICH R. STRAUSBAUGH,  
OFFICER ERICH S. WEIDNER,  
LIEUTENANT DAVID H. KRUEGER,  
OFFICER ALBERT B. GONZALES,  
KENOSHA POLICE DEPARTMENT,  
c/o CHIEF OF POLICE DANIEL C. WADE,  
and CITY OF KENOSHA,

Defendants.

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**DEFENDANT OFFICER ALBERT B. GONZALES' RESPONSES  
TO PLAINTIFFS' RULE 36 REQUESTS FOR ADMISSION**

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Pursuant to Rules 36 of the Federal Rules of Civil Procedure, the defendant, Officer Albert B. Gonzales, responds to plaintiffs' Rule 36 Requests for Admission as follows:

REQUEST FOR ADMISSION NO. 1: Admit that Albert B. Gonzales shot Michael Edward Bell.

**RESPONSE:** Admit.

REQUEST FOR ADMISSION NO. 2: Admit that Albert B. Gonzales shot Michael Edward Bell with a Smith & Wesson Model 4506 semi automatic pistol.

**RESPONSE:** Admit.

REQUEST FOR ADMISSION NO. 3: Admit that the Smith & Wesson Model 4506 used to shoot Michael Edward Bell was not modified from its original design before Michael Edward Bell was shot.

**RESPONSE:** Admit.

REQUEST FOR ADMISSION NO. 4: Admit that Albert B. Gonzales testified that he was standing in front of the Nissan when he put his gun against the head of Michael Edward Bell.

**RESPONSE:** Admit.

REQUEST FOR ADMISSION NO. 5: Admit that the front of the Nissan was on the left side of Michael Edward Bell's head at the time he was shot.

**RESPONSE:** Deny.

REQUEST FOR ADMISSION NO. 6: Admit that Albert B. Gonzales' gun was pressed against Michael Edward Bell's head at the time Gonzales shot Michael Edward Bell.

**RESPONSE:** Admit.

REQUEST FOR ADMISSION NO. 7: Admit that Michael Edward Bell was bent forward at the waist at the time Albert B. Gonzales shot him.

**RESPONSE:** Admit.

REQUEST FOR ADMISSION NO. 8: Admit that at the time he was shot the left side of Michael Edward Bell's head was oriented to the front of the Nissan.

**RESPONSE:** Objection, the phrase "head was oriented to" is vague and defendant has no idea what it is supposed to mean. Admit that at the time he was shot, the right side of Michael Bell's head was closer to the front of the Nissan than the left side of his head.

REQUEST FOR ADMISSION NO. 9: Admit that at the time he was shot the right side of Michael Edward Bell's head was oriented to the windshield of the Nissan.

**RESPONSE:** Objection, the phrase "head was oriented to" is vague and defendant has no idea what it is supposed to mean. Admit that at the time he was shot, the left side of Michael Bell's head was closer to the windshield of the Nissan than the right side of his head.

REQUEST FOR ADMISSION NO. 10: Admit that at the time Albert B. Gonzales shot Michael Edward Bell, Lieutenant David H. Krueger was behind Michael Edward Bell.

**RESPONSE:** Admit.

REQUEST FOR ADMISSION NO. 11: Admit that at the time Albert B. Gonzales shot Michael Edward Bell, Lieutenant David H. Krueger ordered Albert B. Gonzales to shoot Michael Edward Bell.

**RESPONSE:** Admit.

REQUEST FOR ADMISSION NO. 12: Admit that at the time Albert B. Gonzales shot Michael Edward Bell, Lieutenant David H. Krueger had Michael Edward Bell pinned against the left front fender of the Nissan.

**RESPONSE:** Deny.

REQUEST FOR ADMISSION NO. 13: Admit that at the time Albert B. Gonzales shot Michael Edward Bell, Lieutenant David H. Krueger had Michael Edward Bell in a bear hug.

**RESPONSE:** Admit that Lieutenant Krueger had his arms around Michael Bell's shoulders from behind Mr. Bell and that Lieutenant Krueger called this a "bear hug." It may not be a "bear hug" as that term is used by wrestlers.

REQUEST FOR ADMISSION NO. 14: Admit that Albert B. Gonzales did not shoot Michael Edward Bell in the left side of the head.

**RESPONSE:** Admit.

REQUEST FOR ADMISSION NO. 15: Admit that Albert B. Gonzales shot Michael Edward Bell in the right side of the head.

**RESPONSE:** Admit.

REQUEST FOR ADMISSION NO. 16: Admit that Albert B. Gonzales could not shoot Michael Edward Bell in the right side of the head if Albert B. Gonzales was standing in front of the Nissan at the time he shot Michael Edward Bell.

**RESPONSE:** Deny.

REQUEST FOR ADMISSION NO. 17: Admit that the Model 4506 Smith & Wesson semi automatic pistol used by Albert B. Gonzales to shoot Michael Edward Bell was designed to eject spent shell casings to the right of the pistol.

**RESPONSE:** Admit.

REQUEST FOR ADMISSION NO. 18: Admit that the shell casing shown in Ex. 1 attached is located to the left of where Albert B. Gonzales testified he was standing at the time he shot Michael Edward Bell.

**RESPONSE:** Admit.

REQUEST FOR ADMISSION NO. 19: Admit that if Albert B. Gonzales was standing in front of the Nissan at the time he shot Michael Edward Bell the shell casing would not eject to the location in which it is shown in Ex. 1.

**RESPONSE:** Deny.

REQUEST FOR ADMISSION NO. 20: Admit that attached hereto as Ex. 2 is a true and correct copy of the statement provided by Officer Albert B. Gonzales to Detective Michael Salas on November 9, 2004.

**RESPONSE:** Admit.

Dated at Milwaukee, Wisconsin, this 15th day of June, 2007.

GUNTA & REAK, S.C.

By:



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